

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Criminal Action No. 2:07cr16
(Maxwell)**

BRYAN SCOTT MORLOCK,

Defendant.

ORDER

It will be recalled that on June 14, 2007, the Defendant, Bryan Scott Morlock, entered a plea of guilty, under seal, before Magistrate Judge John S. Kaull to Count One of the one-count Information, which count charges the Defendant with possession with intent to distribute cocaine base, also known as “crack” cocaine, and cocaine hydrochloride, also known as “powder cocaine” or “coke,” in violation of Title 21 U.S.C. §841(a)(1) and 841(b)(1)(C). Also on June 14, 2007, the plea agreement entered into by the Defendant, a Waiver of Article III Judge and Consent to Enter a Guilty Plea Before U.S. Magistrate Judge, and a Waiver of Indictment were filed with the Court. On June 15, 2007, Magistrate Judge Kaull filed an Opinion/Report and Recommendation Concerning Plea of Guilty in Felony Case, wherein the parties were directed, in accordance with 28 U.S.C. § 636(b)(1), to file with the Clerk of Court any written objections within ten (10) days after being served with a copy of the Report and Recommendation. No objections have been filed.

Upon examination of the Report and Recommendation from the Magistrate Judge, the Plea Agreement filed with the Court, the Waiver of Article III Judge and Consent and the Waiver of Indictment filed with the Court, it appears to the Court that all matters raised and suggested by Magistrate Judge Kaull in his Report and Recommendation are

appropriate. The Court further finds, based upon its review, that a factual basis existed for said plea, that the plea was made freely and voluntarily, and that the Defendant understood the nature of the charges and the consequences of his plea of guilty before the Magistrate Judge. Therefore, it is hereby

ORDERED that the Magistrate Judge's Report and Recommendation shall be, and the same hereby is, accepted in whole, adopted by this Court, and incorporated herein. It is further

ORDERED that, based upon the aforementioned findings, the Defendant's plea of guilty to Count One of the Information shall be, and the same hereby is accepted. The Court hereby finds the Defendant **GUILTY** as charged in Count One of the Information in the above-styled criminal action. It is further

ORDERED that acceptance of the plea agreement, any stipulations contained in the Plea Agreement, and the binding and nonbinding recommendations contained therein shall be, and the same hereby are, deferred until the Court has received and reviewed the Presentence Report, the preparation of which Magistrate Judge Kaull directed held in abeyance pending notice from counsel and the Court. It is further

ORDERED that this criminal action shall remain **SEALED** pending further Order of the Court.

Based upon the request of the Defendant and the recommendation of the Magistrate Judge, a sentencing hearing in this matter shall not be conducted prior to November 1, 2007.

The Clerk of the Court is directed to transmit certified copies of this Order to Counsel for the United States, to Counsel for Defendant, and to the Probation Office.

ENTER: July 20th, 2007

/s/ Robert E. Maxwell
United States District Judge